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Attorney for Debtor

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

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IN RE:

CASE NO.: 07-51659  
(Chapter 13)

RONALD J. SMITH,  
Debtor.

HRG. DATE: 12/18/09  
AND TIME: 1:30 P.M.

**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW Debtor, Ronald J. Smith, by and through his attorney, Michael Lehnern, Esq., and files with the court his opposition to the Motion for Relief From Automatic Stay filed by Wells Fargo Bank as to his real property located at 550 New Hope Court, Gardnerville, Nevada 89410. This Opposition is made and based on the pleadings on file herein and upon the following Memorandum of Points and Authorities.

**MEMORANDUM OF POINTS AND AUTHORITIES**

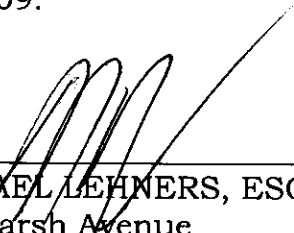
Since the filing of the pending bankruptcy, the Debtor has lost his job and he is waiting for unemployment benefits. In addition, the Debtor has a new job in the works, which he hopes to start shortly. The Debtor is aware that he is behind on this mortgage, however, the motion claims that he is three

1 months behind. Debtor believes that, at this time, he is only two months  
2 down, as he sent in a payment just prior to getting notice of the filing of the  
3 motion. The Debtor is trying to come up with money to bring the loan current  
4 prior to the hearing. If the Debtor cannot come up with the money to bring the  
5 loan current by the hearing, then he requests that he be allowed to cure the  
6 arrears owing in a reasonable time.  
7

8  
9 Further, Secured Creditor is adequately secured as the property is worth  
10 per the schedules, \$363,000.00 and the loan against the residence, pursuant  
11 to the motion is \$121,382.85. This leaves an equity cushion of over  
12 \$241,000.00. With this equity cushion, the Debtor should be allowed to cure  
13 any arrearage through adequate protection payments.  
14

15 Accordingly, based upon same, Debtor herein requests that Secured  
16 Creditor's Motion be denied or in the alternative that adequate protection  
17 payments be ordered to allow the Debtor reasonable time to cure the arrearage  
18 owing.  
19

20 DATED this \_\_\_\_ day of November, 2009.

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\_\_\_\_\_  
MICHAEL LEHNERT, ESQ.  
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Attorney for Debtor

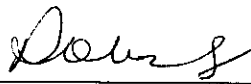
**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that on the 30  
day of November, 2009, I deposited for mailing in the United States Post Office  
in Reno, Nevada, with postage thereon fully prepaid, a true copy of the within  
**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**, addressed  
as follows:

Ronald J. Smith  
P. O. Box 2864  
Gardnerville, NV 89410

William Van Meter  
P. O. Box 6630  
Reno, NV 89513

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Dolores Stigall